



**A RESOLUTION OF THE TRIBAL COUNCIL
OF THE DELAWARE TRIBE OF INDIANS
AMENDING THE DELAWARE TRIBE OF
INDIANS SECURED TRANSACTIONS ACT**

RESOLUTION 2023-76

Sponsored by Bruce Martin

WHEREAS, the Delaware Tribal Council is authorized by Article V of the Constitution and Bylaws of the Delaware Tribe of Indians to represent and act in all matters that concern the general welfare of the Tribe; and

WHEREAS, on October 15, 2022, the Delaware Tribal Council approved the Delaware Tribe of Indians Secured Transactions Act (the "Act") which was enacted to promote economic development opportunities and provide for the continued expansion of commercial practices involving the Delaware Tribe of Indians, including, but not limited to, establishing the process for filing a financing statement to perfect a security interest or agricultural lien governed by the Act and other records relating to a security interest; and

WHEREAS, the Delaware Tribal Council finds that an increased number of the above-referenced commercial filings now requires that the central location for filing be transferred from the Office of the Court Clerk, Delaware Tribe of Indians Tribal Court to the Office of the Tribal Secretary for the Delaware Tribe of Indians or his designee (the "Secretary"); and

WHEREAS, the Delaware Tribal Council finds that a Uniform Fee Schedule should be adopted for any filing or record search that has to be conducted by the Secretary under the Act; and

WHEREAS, in accordance with these findings, the Delaware Tribal Council approves and amends Section 9-501(a) of the Act as follows:

(a) **[Place to file.]** The place to file a financing statement to perfect a security interest or agricultural lien governed by this act or another record relating to a security interest is the Office of the Tribal Secretary for the Delaware Tribe of Indians.

WHEREAS, in accordance with these findings, the Delaware Tribal Council also approves and amends Section 9-501(e) of the Act as follows:

(e) **[Fees.]** The fee for filing and indexing a record under subsection (a), and for record searches, shall be payable to the Delaware Tribe of Indians and set in accordance with the Uniform Fee Schedule attached as Exhibit "A."

NOW, THEREFORE, BE IT RESOLVED BY THE DELAWARE TRIBAL COUNCIL, that the Delaware Tribal Council hereby approves and adopts the above-referenced amendments to Sections 9-501(a) and (e) of the Act to become effective immediately; and

BE IT FURTHER RESOLVED BY THE DELAWARE TRIBAL COUNCIL all filings made with the Office of the Court Clerk, Delaware Tribe of Indians Tribal Court prior to the enactment of this Resolution shall remain in full force and effect when those filings are transferred to the Office of the Tribal Secretary in accordance with this Resolution; and

BE IT FURTHER RESOLVED BY THE DELAWARE TRIBAL COUNCIL the Office of the Court Clerk, Delaware Tribe of Indians Tribal Court shall coordinate with the Office of the Tribal Secretary to effectuate the administrative transfer of all existing filings in accordance with this Resolution.

CERTIFICATION

I hereby certify that the foregoing was considered by the Delaware Tribal Council of the Delaware Tribe of Indians and adopted this 26 day of July 2023 with a vote of 7 yes, 0 no, and 0 abstaining.


Brad KillsCrow, Chief


Attested by: Bruce Martin, Secretary

